

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IGNINIO HERNANDEZ,

Plaintiff,

v.

RENEE BAKER, et. al.,

Defendants.

3:13-cv-00083-MMD-WGC

ORDER

Re: ECF No. 154

On November 6, 2015, Plaintiff filed a motion pursuant to Federal Rule of Civil Procedure 13. (ECF No. 154.)¹ He states that he was not able to respond and reply to Defendants' last two motions, and references Defendants' reply in support of their motion for summary judgment. (*Id.* at 1-2.) He asks the court to grant summary judgment in his favor. (*Id.* at 2.) The document then contains a thirty-three page declaration which discusses events that are not pertinent to the claims proceeding in this action.

As the court has advised Plaintiff in the past (*see* ECF No. 62), Rule 13 governs counterclaims and cross-claims and is inapplicable to Plaintiff's action. If Plaintiff has claims in addition to those proceeding in this lawsuit, he must utilize the prison grievance process, and then, if unsuccessful in resolving them, may initiate a new lawsuit. He may not air those grievances in this lawsuit.

The court has already denied Plaintiff's request to file a sur-reply in response to Defendants' reply in support of their motion for summary judgment. (*See* ECF No. 155.)

To the extent Plaintiff's motion can be construed as his own motion for summary judgment, such motions were to be filed by April 7, 2015. (ECF No. 128.) Even if liberally

¹ Refers to court's Electronic Case Filing (ECF) number.

1 construed as such a motion, Plaintiff has presented no good cause showing for filing a very
2 untimely motion for summary judgment.

3 Therefore, Plaintiff's motion (ECF No. 154) is **DENIED**.

4 **IT IS SO ORDERED.**

5 DATED: November 13, 2015.

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7 WILLIAM G. COBB
8 UNITED STATES MAGISTRATE JUDGE
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